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7 **UNITED STATES DISTRICT COURT FOR THE**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 LOUIE ANDREAS MARQUES, ET AL.,

11 Plaintiffs,

12 v.

13 GUIDING HANDS SCHOOL, INC., ET AL.,

14 Defendants.
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Case No.: 2:22-cv-00150-DJC-CSK

**ORDER DISMISSING DEFENDANT
HANDLE WITH CARE BEHAVIOR
MANAGEMENT SYSTEM, INC.**

Judge: Hon. Daniel J. Calabretta

SAC Filed: 01/28/22

Trial Date: Not Set - Stayed
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17 The Court, having reviewed the Parties stipulation set forth above, and good cause
18 appearing therefore, hereby orders as follows:

- 19 1. Defendant Handle With Care Behavior Management System, Inc. (“HWC”) is hereby
20 dismissed from this action without prejudice.
- 21 2. If discovery later reveals new, material evidence, that would provide a reasonable
22 likelihood of liability on HWC’s part, Plaintiffs may seek leave to amend the operative
23 Complaint to re-name HWC as a Defendant, and Defendant may oppose any such
24 motion. Any such motion must be filed no later than 180 days prior to the last day to
25 complete fact discovery (pursuant to the original trial date). Should HWC be re-named
26 as a defendant in this matter, HWC may request a continuance of trial, if need be, in
27 order to ensure that HWC has adequate time to prepare a defense and file any
28 dispositive motion, which Plaintiffs agree to not oppose. Also, HWC will have the

1 opportunity to file a motion to dismiss should HWC be re-named as a defendant in this
2 matter.

3 3. In the event the Court later grants a motion by Plaintiffs for leave to amend that
4 permits Plaintiffs to re-name HWC as a Defendant, any and all applicable statute(s) of
5 limitation shall be deemed to have been equitably tolled during the period of HWC's
6 dismissal from this litigation, as though no such dismissal had occurred. Further, any
7 statute of limitations defense that may have existed prior to the dismissal of HWC
8 pursuant to this stipulation, can be asserted by HWC in the event that that HWC is re-
9 named as a defendant in this action. Further, any other defenses that may have existed
10 prior to the dismissal of HWC pursuant to this stipulation (including, but not limited
11 to, Plaintiffs failure to serve the complaint within 90 days pursuant to Rule 4M) can be
12 asserted or re-asserted by HWC in the event that HWC is re-named in as a defendant
13 in this action.

14 4. Unless HWC is later re-named as a Defendant in this action, Plaintiffs and HWC shall
15 each bear their own costs and attorney's fees incurred in this action.

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17 **IT IS SO ORDERED.**

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19 Dated: December 12, 2025

/s/ Daniel J. Calabretta

20 THE HONORABLE DANIEL J. CALABRETTA
21 UNITED STATES DISTRICT JUDGE
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